IN THE SUPREME COURT OF THE STATE OF DELAWARE

SAMUEL BISHOP,	§	
	§	No. 146, 2016
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware
v.	§	
	§	Cr. ID No. 86013220DI
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: April 11, 2016
Decided: June 2, 2016

Before **HOLLAND**, **VALIHURA** and **VAUGHN**, Justices.

O R D E R

This 2nd day of June 2016, upon consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) The appellant, Samuel Bishop, has appealed the Superior Court's order of March 8, 2016, denying his "motion for discovery and inspection." Bishop's motion sought a copy of the available pretrial discovery from his 1979 convictions for Rape in the First Degree and Kidnapping in the First Degree.

(2) On March 29, 2016, the Clerk issued a notice to Bishop to show cause why the appeal should not be dismissed based on this Court's lack of jurisdiction to consider an interlocutory appeal in a criminal case. Bishop has filed a response

to the notice to show cause, explaining that he needs the pretrial discovery "to develop a factual record" to support a postconviction motion he intends to file.

(3)   Under the Delaware Constitution only a final judgment may be reviewed by the Court in a criminal case.[1] In this case, the Superior Court's denial of Bishop's motion for discovery and inspection is not a final order and cannot be appealed to this Court prior to the entry of a final order on a postconviction motion.[2]

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura
Justice

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[1] Del. Const. art. IV, § 11(1)(b).

[2] *Accord Ridley v. State*, 2014 WL 1875483 (Del. May 6, 2014) (citing Del. Const. art. IV, § 11(1)(b)); *St. Louis v. State*, 2012 WL 130877 (Del. Jan. 17, 2012) (citing *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998)); *Browne v. State*, 1992 WL 21146 (Del. Jan. 21, 1992) (citing *Gannett Co., Inc. v. State*, 565 A.2d 895, 899 (Del. 1989)).